



U.S. Department of Justice

United States Attorney  
Southern District of New York

**MEMO ENDORSED**

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

January 4, 2021

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**BY ECF**

The Honorable Valerie E. Caproni  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**Re: *United States v. Lallave, Lillo, and Hughes*, 20 Cr. 536 (VEC)**


Dear Judge Caproni:

In this case, fugitive defendant Michael Lillo was recently arrested and was arraigned before Magistrate Judge Fox earlier today.<sup>1</sup> At the prior status conference in this case, the Court confirmed that the Speedy Trial Act clock was not running by virtue of the absence of defendant Lillo and set a status conference for January 14, 2021 at 11:00 a.m.

The Government now requests the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), from today's date until January 14, 2021. For the reasons articulated by the Court at the last conference in electing to set a status conference in the case rather than a motions schedule and trial date, such an exclusion would be in the interests of justice: it will allow for the defense to continue reviewing the particularly voluminous discovery materials that have been produced in this case, it will allow time for effective communication between counsel and the incarcerated defendants in the case in light of the logistical communications difficulties created by the COVID-19 pandemic, and it will reflect the current limited availability of jury trials in this District during the pandemic. All three defendants consent to this request.

Respectfully submitted,

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Acting United States Attorney

by:   
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cc: All counsel of record (by ECF)

<sup>1</sup> Lillo was ordered detained pending trial on consent without prejudice to a future bail application.

The January 14, 2021 status conference is ADJOURNED until **January 21, 2021, at 12:00 p.m.** The conference will be conducted as a teleconference. The parties may dial-in using: (888) 363-4749// Access code: 3121171# // Security code: 0536#. All Defendants and their counsel are required to attend the January 21 conference; the Court will request that the detained Defendants be permitted to join from their respective facility via telephone.

The period between January 4, 2021, and January 21, 2021, is excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A). The Court finds that the ends of justice served by accommodating logistical difficulties created by the COVID-19 pandemic outweigh the interests of the public and the Defendants in a speedy trial.

SO ORDERED.

 1/5/2021

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE